

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LEON FOY, #125322

v.

CIVIL ACTION NO. 2:05-CV-946-F

BOB RILEY, ET AL

Defendants

AFFIDAVIT

STATE OF ALABAMA

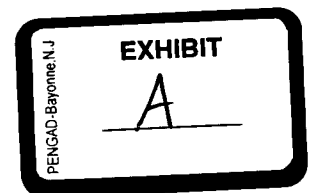
MONTGOMERY COUNTY

Before me, the undersigned authority, a Notary Public, in and for said County and State of Alabama at Large, personally appeared Donal Campbell, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

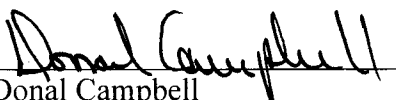
My name is Donal Campbell. I am presently employed as Commissioner of the Alabama Department of Corrections. I am over the age of twenty one years and have personal knowledge of the matters hereinafter stated.

I was appointed Commissioner of the Alabama Department of Corrections by Governor Bob Riley. My duties are provided by Alabama law and include the developing policies for the Department of Corrections, directing the execution of those policies and the general supervision of the administration of the department. As a member of the governor's cabinet, it is my duty and responsibility to implement any policy directives received from the governor.

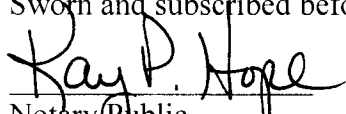
I do not know the Plaintiff in this matter and to my knowledge have not had any contact with him. As Commissioner, I do not control the daily operations of the Elmore



Correctional Facility or other various institutions of the department and neither does Governor Riley. The responsibility for the daily operations of each prison rests with the warden of that institution. I deny that I have violated the Plaintiff's constitutional rights in any way. Indeed, I do everything within my power to insure that the institutions of the Alabama Department of Corrections are safe, satisfactory and secure facilities for the incarceration of inmates committed to the custody of the department.


Donal Campbell
Commissioner

Sworn and subscribed before me, a Notary Public, on this the 5th day of Dec, 2005.


Notary Public

Commission expires: 3/31/08